1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 SOUTHERN DISTRICT OF CALIFORNIA 10 CHARLES SMALL, Civil No. 09-cv-0913-JM (POR) 11 Plaintiff. 12 ORDER SCHEDULING SETTLEMENT DISPOSITION CONFERENCE MATTHEW MARTEL, as an individual and as 13 the Warden from the California Rehabilitation Center, et al., 14 Defendants. 15 16 On October 25, 2011, the Court held a Settlement Disposition Conference. Appearing were: 17 Karen Albence, Esq., counsel for Plaintiff; and John Walters, Esq., counsel for Defendants. Counsel 18 represent the case remains settled. However, counsel for Defendants represents the estimated date 19 for payment is November 21, 2011. Therefore, both counsel request additional time to file the Joint 20 Motion for Dismissal. Good cause appearing, IT IS HEREBY ORDERED: 21 1. A Joint Motion for Dismissal shall be submitted to the Honorable Jeffrey T. Miller on 22 or before **November 28, 2011.** A courtesy copy shall be delivered to the chambers of 23 the Honorable Louisa S Porter. The courtesy copy shall be lodged with chambers via 24 e-mail to efile_Porter@casd.uscourts.gov. 25 2. If a Joint Motion for Dismissal is not submitted on or before November 28, 2011, 26 then a Settlement Disposition Conference shall be held on **November 29, 2011,** at 27 **1:30 p.m.** before Judge Porter. The conference shall be telephonic, with attorneys 28 only. Defendants' counsel shall arrange and initiate the conference call.

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3. If a Joint Motion for Dismissal is received on or before November 28, 2011, the Settlement Disposition Conference shall be VACATED without further court order. Counsel are also advised that if payment is not made by November 21, 2011, the 4. Court will entertain a motion for interest accruing on the settlement. IT IS SO ORDERED. DATED: October 31, 2011 LOUISA S PORTER United States Magistrate Judge

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